

ATTACHMENT 3

ZONING VERIFICATION

# Kent County



## Department of Planning Services Division of Planning

SARAH E. KEIFER, AICP  
Director of Planning Services

Phone: 302/744-2471  
FAX: 302/736-2128

November 2, 2017

**Re: Parcel ED-00-096.00-01-15.00/00001 – 3700 S. Bay Rd.**

To Whom it May Concern:

Thank you for contacting our office regarding the use existing use at the above referenced property. Based on our records, it appears that the use of a Hot Mix Facility was approved with conditions by the Kent County Levy Court on September 25, 2012. Additionally, it appears that a subsequent Certificate of Use was issued on May 24, 2013 amending the use to include the intermittent operation of a non-metallic mineral processing plant, to be located entirely within the IG portion of the property. As these uses have been approved by the appropriate authorities, they are able to continue these uses indefinitely, contingent upon meeting all conditions as stated on the recorded site plan for application CS-12-06 and the subsequent Certificate of Use issued.

Please do not hesitate to contact me at (302)744-2471 or via email at [Tyler.Anaya@co.kent.de.us](mailto:Tyler.Anaya@co.kent.de.us) should you need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Anaya".

Tyler Anaya  
Planner I

## ATTACHMENT 4

### ALLAN MYERS MD, INC. LETTER



January 16, 2018

Mindy Anthony  
DNREC-SHWMS  
89 Kings Highway  
Dover, DE 19901

RE: Allan Myers DE, Inc.

Dear Ms. Anthony:

Allan Myers MD, Inc. owns and operates hot mix asphalt plants in Maryland that incorporate manufacturer's waste asphalt shingles into the process of manufacturing hot mix asphalt. Allan Myers DE, Inc. operates three (3) hot mix asphalt plants in Delaware; one in Dover, one in Georgetown, and one in Wilmington. All three facilities are permitted to use manufacturer's waste asphalt shingles as an ingredient in the production of hot mix asphalt. The purpose of this letter is to inform you that if any of the Delaware facilities are in a situation that requires the removal of manufacturer's waste asphalt shingles, Allan Myers MD, Inc. will accept the waste at one of its Maryland hot mix asphalt plants for incorporation into its manufacturing process at no cost.

If you have any questions or need additional information, please do not hesitate to call me at (610) 222-3182.

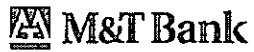
Sincerely,

A handwritten signature in cursive script, appearing to read 'David Schnackenberg'.

David Schnackenberg, Environmental Manager

ATTACHMENT 5

LETTER OF CREDIT

**M and T Bank**

Trade Finance Operations  
1800 Washington Boulevard 8th Floor, MC-MD1-MP37  
Baltimore, MD 21230  
Tel: Letters of Credit: (410) 244-4475 / 4587  
Tel: Collections: (410) 244-4566  
SWIFT: MANTUS33INT

**Irrevocable  
Standby Letter of Credit No.  
SB1855520001**

**Beneficiary:**

STATE OF DELAWARE, DEPT. OF NATURAL  
RESOURCES & ENVIRONMENTAL CONTROL  
89 KINGS HIGHWAY  
DOVER, DE 19901 United States

**Applicant:**

ALLAN MYERS DE, INC.  
3700 BAY ROAD  
DOVER, DE 19901 United States

**Date of Issue:**

August 06, 2015

**Date and Place of Expiry:**

August 31, 2016 Issuing Bank/Counters

**Amount:**

Not Exceeding USD 153,750.00 One Hundred Fifty Three  
Thousand Seven Hundred Fifty and 00/100 United States Dollars

COMPLETE NAME AND ADDRESS OF BENEFICIARY IS:  
THE SECRETARY OF THE DEPARTMENT OF NATURAL  
RESOURCES AND ENVIRONMENTAL CONTROL  
THE STATE OF DELAWARE  
89 KINGS HIGHWAY  
DOVER, DE 19901

DEAR SIR OR MADAM:

WE HEREBY ESTABLISH OUR IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER  
SB1855520001 IN YOUR FAVOR, AT THE REQUEST AND FOR THE ACCOUNT OF ALLAN MYERS  
DE, INC., 3700 BAY ROAD, DOVER, DE 19901 UP TO THE AGGREGATE AMOUNT OF ONE  
HUNDRED FIFTY-THREE THOUSAND SEVEN HUNDRED FIFTY AND 00/100 U.S. DOLLARS  
(\$153,750.00), AVAILABLE UPON PRESENTATION OF:

1. YOUR SIGHT DRAFT, BEARING REFERENCE TO THIS LETTER OF CREDIT NO. SB1855520001  
AND,
2. YOUR SIGNED STATEMENT READING AS FOLLOWS: 'I CERTIFY THAT THE AMOUNT OF THE  
DRAFT IS PAYABLE PURSUANT TO REGULATIONS ISSUED UNDER AUTHORITY OF TITLE 7 OF

THE DELAWARE CODE, CHAPTER 60."

THIS LETTER OF CREDIT IS EFFECTIVE AS OF AUGUST 6, 2015 AND SHALL EXPIRE ON AUGUST 31, 2016, BUT SUCH EXPIRATION DATE SHALL BE AUTOMATICALLY EXTENDED FOR A PERIOD OF ONE YEAR ON AUGUST 31, 2016 AND ON EACH SUCCESSIVE EXPIRATION DATE, UNLESS AT LEAST 120 DAYS BEFORE THE CURRENT EXPIRATION DATE, WE NOTIFY (1) YOU, (2) THE SOLID & HAZARDOUS WASTE MANAGEMENT BRANCH AND (3) ALLAN MYERS DE, INC., BY NATIONALLY RECOGNIZED OVERNIGHT COURIER SERVICE OR UPON RECEIPT IF DELIVERED PERSONALLY, THAT WE HAVE DECIDED NOT TO EXTEND THIS LETTER OF CREDIT BEYOND THE CURRENT EXPIRATION DATE. IN THE EVENT YOU ARE SO NOTIFIED, ANY UNUSED PORTION OF THE CREDIT SHALL BE AVAILABLE, UPON PRESENTATION OF YOUR SIGHT DRAFT, FOR 120 DAYS OR UNTIL THE LETTER OF CREDIT HAS EXPIRED, WHICHEVER IS LATER.

WHENEVER THIS LETTER OF CREDIT IS DRAWN ON UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS CREDIT, WE SHALL DULY HONOR SUCH DRAFT UPON PRESENTATION TO US AND WE SHALL DEPOSIT THE AMOUNT OF THE DRAFT DIRECTLY INTO THE STANDBY TRUST FUND OF ALLAN MYERS DE, INC. IN ACCORDANCE WITH YOUR INSTRUCTIONS.

THIS STANDBY LETTER OF CREDIT IS SUBJECT TO THE INTERNATIONAL STANDBY PRACTICES (ISP98), INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NO. 590 AND SUBSEQUENT REVISIONS THEREOF.

VERY TRULY YOURS,

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SHARON DIESO  
ASSISTANT VICE PRESIDENT

## ATTACHMENT 6

ALLAN MYERS DE, INC. – AIR OPERATIONS PERMIT







STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
& ENVIRONMENTAL CONTROL  
DIVISION OF AIR QUALITY  
State Street Commons  
100 W. Water Street, Suite 6A  
DOVER, DELAWARE 19904

Telephone: (302) 739 - 9402  
Fax No.: (302) 739 - 3106

August 22, 2017

**Permit: APC-2012/0154-OPERATION (Amendment 10)(NSPS)(MNSR)(SM)**

Allan Myers, Delaware, Inc., 3700 Bay Road, Dover  
Asphalt Plant Operation

**Allan Myers Materials**  
638 Lancaster Avenue  
Malvern, PA 19355

ATTENTION: Mr. David Schnackenberg  
Environmental Manager

Dear Mr. Schnackenberg:

Pursuant to 7 **DE Admin. Code** 1102, Section 2, approval by the Department of Natural Resources and Environmental Control (the Department) is hereby granted for the operation of a 425 ton per hour (TPH) counter-flow drum mixer with a 125 MMBTU/hr Eco Star II Low NOx Burner and a baghouse including an inertial separator with 1.0 million BTU per hour asphalt heater, diesel powered impact crusher including conveyor belts, and screening deck for the reducing of recycled asphalt pavement (RAP), mobile Bandit Industries, Inc. Beast Recycler 3680 shingle grinder and discharge conveyor powered by a 540 HP Caterpillar C15 (Tier 3) diesel engine, aggregate storage facilities, and 8 storage tanks (two (2) 30,000 gallon storage tanks (one of which is split into two 15,000 gallon compartments), one (1) 23,500 gallon storage tank, one (1) 20,000 gallon storage tank, one (1) 12,000 gallon storage tank, one (1) 1,000 gallon storage tank, and one (1) 275 gallon storage tank), for Asphalt Concrete Plant located at Allan Myers, Delaware, Inc. (formerly ICM of Delaware, Inc.), 3700 Bay Road, in Dover, Delaware, in accordance with the application submitted on Forms AQM-1, AQM-2, AQM-3.1, AQM-4.5, AQM-4.6, and AQM-5 dated June 4, 2012, July 23, 2012, August 7, 2012, and August 24, 2012, letter dated April 22, 2013, letter dated May 3, 2013, all signed by Mr. David Schnackenberg, Environmental Engineer, stack test dated September 19, 2013, application submitted on Form Nos. AQM-1, AQM-2, AQM-3.3, AQM-3.9, and AQM-5 and letters, dated January 12, 2012, additional information submitted on January 30, 2012, and February 13 & 20, 2012, the permit amendment requests to remove the water spray dust suppression system submitted on Form No AQM-5 and letters, dated May 18, 2012 and additional information on May 23, 2012, all signed by David Schnackenberg, the increase in annual operation hours up to 600 hours per twelve month rolling period, submitted on Forms AQM-1 and AQM-5 and a letter, dated October 3, 2012, all signed by Mr. David Schnackenberg, stack tests dated September 19, 2013 and October 8, 2013, email dated February 17, 2014 from David Schnackenberg, Environmental Manager, the application for the shingle grinder submitted on Form Nos. AQM-1, AQM-2, AQM-3.1, AQM-3.3, and AQM-5 dated November 26, 2013 signed by David Schnackenberg, and the amended application submitted on Form Nos. AQM-1, AQM-2, AQM-3.1, AQM-3.3, and AQM-5 dated November 26, 2013, AQM-3.3 and AQM-5 dated January 10, 2014, signed by David

*Delaware's good nature depends on you!*

Printed on  
Recycled Paper

Schnackenberg, email dated May 23, 2014 from Joanna French, the application for the shingle grinder submitted on Form Nos. AQM-1, AQM-2, AQM-3.1, AQM-3.3, AQM-3.9 and AQM-5 dated October 20, 2014, signed by David Schnackenberg, Environmental Engineer, the amendment request dated April 29, 2015 to change the Company name to Allan Myers DE, Inc. signed by Roxanne Wax, Administrative Assistant, amendment request dated March 20, 2017 to correct emissions for impact crusher and screener, signed by David Schnackenberg, Environmental Manager, and amendment request dated May 22, 2017 to contract permitted mobile RAP crushers and screeners to operate at 3700 Bay Road, in Dover, Delaware, signed by David Schnackenberg, Environmental Manager.

This permit is issued subject to the following conditions all of which are federally enforceable except Conditions 2.14, 3.4, and 3.7:

**1. General Provisions**

- 1.1 Allan Myers, Delaware, Inc. agrees that all limits, restrictions and requirements in this permit are necessary to limit their potential to emit below major source thresholds. Violation of any limit, restriction or requirement contained herein may be grounds for suspension or revocation of the permit or other enforcement action for noncompliance with the permit, the failure to apply for a Title V permit, or the failure to obtain a Title V permit.
- 1.2 The operational limitations of Conditions 3.1.3 and 3.1.7 are voluntary restrictions to limit NOx and PM2.5 emissions to below the five (5) ton per year applicability threshold of 7 **DE Admin. Code** 1125, Section 4, *Minor New Source Review*. The owner and/or operator shall meet the control technology requirements of 7 **DE Admin. Code** 1125, Section 4, *Minor New Source Review* if an increase in the operational limitations of Conditions 3.1.3 or 3.1.7 results in an increase in NOx or PM2.5 potential to emit above five tons per year.
- 1.3 The operational limitations of Conditions 3.1.17 and 3.1.21 are voluntary restrictions taken by the Company to limit emissions of NOx to below the five (5) ton per year applicability threshold of 7 **DE Admin. Code** 1125, Section 4, *Minor New Source Review*. The owner and/or operator shall meet the control technology requirements of *Minor New Source Review*, 7 **DE Admin. Code** 1125, Section 4, *Minor New Source Review*, if an increase in the operational limitations of Conditions 3.1.17 and 3.1.21 results in a NOx potential to emit above five tons per year.
- 1.4 Representatives of the Department may, at any reasonable time, inspect this facility.
- 1.5 This permit may not be transferred to another location or to another piece of equipment or process.
- 1.6 This permit may not be transferred to another person, owner, or operator unless the transfer has been approved in advance by the Department. Approval (or disapproval) of the permit transfer will be provided by the Department in writing. A request for a permit transfer shall be received by the Department at least thirty days before the date of the requested permit transfer. This request shall include:
  - 1.6.1 Signed letters from each person stating the permit transfer is agreeable to each person; and

**Permit: APC-2012/0154-OPERATION (Amendment 10)(NSPS)(MNSR)(SM)**

Allan Myers, Delaware, Inc., 3700 Bay Road, Dover

Asphalt Plant Operation

August 22, 2017

Page 3

- 1.6.2 An Applicant Background Information Questionnaire pursuant to 7 Del C, Chapter 79 if the person receiving the permit has not been issued any permits by the Department in the previous five (5) years.
- 1.7 The owner or operator shall not initiate construction, install, or alter any equipment or facility or air contaminant control device which will emit or prevent the emission of an air contaminant prior to submitting an application to the Department pursuant to 7 **DE Admin. Code** 1102, and, when applicable 7 **DE Admin. Code** 1125, and receiving approval of such application from the Department; except as exempted in 7 **DE Admin. Code** 1102 Section 2.2.

**2. Emission Limitations**

- 2.1 Air contaminant emission levels from asphalt drum mix dryer and baghouse shall not exceed those specified in the 7 **DE Admin. Code** 1102 and the following:
  - 2.1.1 Total Hydrocarbon (THC) Emissions  
THC emissions shall not exceed 0.03 pound/ton of asphalt produced for natural gas and 0.032 pound/ton of asphalt produced for on spec fuel oil and 9.1 tons per twelve (12) month rolling period.
  - 2.1.2 Nitrogen Oxide (NO<sub>x</sub>) Emissions  
NO<sub>x</sub> emissions shall not exceed 0.024 pound/ton of asphalt produced for natural gas and 0.065 pound/ton of asphalt produced for on spec fuel oil and 9.5 tons per twelve (12) month rolling period.
  - 2.1.3 Sulfur Oxide (SO<sub>x</sub>) Emissions  
SO<sub>x</sub> emissions shall not exceed 0.0034 pound/ton of asphalt produced for natural gas and 0.074 pound/ton of asphalt produced for on-spec fuel oil and 4.94 tons per twelve (12) month rolling period.
  - 2.1.4 Carbon Monoxide (CO) Emissions  
CO emissions shall not exceed 0.082 pound/ton of asphalt produced for natural gas and 0.109 pound/ton of asphalt produced for on spec fuel oil and 26.1 tons per twelve (12) month rolling period.
  - 2.1.5 Particulate Matter (PM) Emissions
    - 2.1.5.1 PM emissions shall not exceed 0.03045 pound/ton of asphalt produced for natural gas or on-spec fuel oil and 9.1 tons per twelve (12) month rolling period.
    - 2.1.5.2 PM emissions shall not exceed 0.04 gr/dscf (90 mg/dscm).
- 2.2 Air contaminant emission levels from asphalt heater shall not exceed those specified in 7 **DE Admin. Code** 1102 and the following:
  - 2.2.1 Total Hydrocarbon (THC) Emissions  
THC emissions shall not exceed 0.05 ton per twelve (12) month rolling period.
  - 2.2.2 Nitrogen Oxide (NO<sub>x</sub>) Emissions  
NO<sub>x</sub> emissions shall not exceed 0.63 ton per rolling 12-month period.
  - 2.2.3 Sulfur Dioxide (SO<sub>2</sub>) Emissions

**Permit: APC-2012/0154-OPERATION (Amendment 10)(NSPS)(MNSR)(SM)**

Allan Myers, Delaware, Inc., 3700 Bay Road, Dover

Asphalt Plant Operation

August 22, 2017

Page 4

SO<sub>2</sub> emissions shall not exceed 1.33 ton per rolling 12-month period.

2.2.4 Carbon Monoxide (CO)

CO emissions shall not exceed 0.36 ton per twelve (12) month rolling period.

2.2.5 Particulate Matter (PM) Emissions

PM emissions shall not exceed 0.06 ton per twelve (12) month rolling period.

- 2.3 Air contaminant emission levels from the mobile impact crusher and screener for the 3700 Bay Road, Dover site shall not exceed those specified in 7 **DE Admin. Code** 1102 and the following:

2.3.1 Particulate Matter (PM) Emissions

PM emissions shall not exceed 2.62 tons per rolling 12-month period.

2.3.2 Nitrogen Oxide (NO<sub>x</sub>) Emissions

NO<sub>x</sub> emissions shall not exceed 3.70 tons per rolling 12-month period.

2.3.3 Sulfur Dioxide (SO<sub>2</sub>) Emissions

SO<sub>2</sub> emissions shall not exceed 0.001 ton per rolling 12-month period.

2.3.4 Carbon Monoxide (CO)

CO emissions shall not exceed 0.8 tons per rolling 12-month period.

2.3.5 Total Organic Compounds (TOC)

TOC emissions shall not exceed 0.30 ton per rolling 12-month period.

- 2.4 Combined air contaminant emission levels from the mobile impact crusher and screener for all Allan Myers, Delaware sites shall not exceed those specified in 7 **DE Admin. Code** 1102 and the following:

2.4.1 Particulate Matter (PM) Emissions

PM emissions shall not exceed 5.1 tons per rolling 12-month period.

2.4.2 Nitrogen Oxide (NO<sub>x</sub>) Emissions

NO<sub>x</sub> emissions shall not exceed 7.10 tons per rolling 12-month period.

2.4.3 Sulfur Dioxide (SO<sub>2</sub>) Emissions

SO<sub>2</sub> emissions shall not exceed 0.003 ton per rolling 12-month period.

2.4.4 Carbon Monoxide (CO)

CO emissions shall not exceed 1.6 tons per rolling 12-month period.

2.4.5 Total Organic Compounds (TOC)

TOC emissions shall not exceed 0.58 ton per rolling 12-month period.

- 2.5 Air contaminant emission levels for the mobile shingle grinder shall not exceed those specified in 7 **DE Admin. Code** 1102 and the following:

2.5.1 Nitrogen Oxide (NO<sub>x</sub>) and Non-Methyl Hydrocarbon (NMHC) Emissions

NO<sub>x</sub> and NMHC emissions shall not exceed 3.6 pounds per hour and 1.3 tons per twelve (12) month rolling period;

**Permit: APC-2012/0154-OPERATION (Amendment 10)(NSPS)(MNSR)(SM)**

Allan Myers, Delaware, Inc., 3700 Bay Road, Dover

Asphalt Plant Operation

August 22, 2017

Page 5

- 2.5.2 Carbon Monoxide (CO) Emissions  
CO emissions shall not exceed 3.1 pounds per hour and 1.1 tons per twelve (12) month rolling period;
- 2.5.3 Sulfur Oxide (SOx) Emissions  
SOx emissions shall not exceed 0.004 pounds per hour and 0.0015 tons per twelve (12) month rolling period;
- 2.5.4 Total Organic Compound (TOC) Emissions  
TOC emissions shall not exceed 0.94 pounds per hour and 0.33 tons per twelve (12) month rolling period;
- 2.5.5 Particulate Matter (PM10) Emissions  
PM10 emissions shall not exceed 0.20 pounds per hour and 0.11 tons per twelve (12) month rolling period; and
- 2.5.6 Particulate Matter (PM) Emissions  
PM emissions shall not exceed 0.47 pounds per hour and 0.17 tons per twelve (12) month rolling period.
- 2.6 Air contaminant emission levels for the contractor's portable RAP crusher and screener shall not exceed those specified in 7 **DE Admin. Code** 1102 and the following:
  - 2.6.1 Nitrogen Oxide (NO<sub>x</sub>) Emissions  
NO<sub>x</sub> emissions shall not exceed 0.32 tons per rolling 12-month period.
  - 2.6.2 Sulfur Dioxide (SO<sub>2</sub>) Emissions  
SO<sub>2</sub> emissions shall not exceed 0.0006 ton per rolling 12-month period.
  - 2.6.3 Carbon Monoxide (CO)  
CO emissions shall not exceed 0.31 ton per rolling 12-month period.
  - 2.6.4 Volatile Organic Compounds (VOC)  
VOC emissions shall not exceed 0.12 ton per rolling 12-month period.
  - 2.6.5 Particulate Matter (PM) Emissions  
PM emissions shall not exceed 0.81 tons per rolling 12-month period.
- 2.7 Facility wide air contaminant emission levels from the asphalt drum mix dryer and baghouse, asphalt heater, impact crusher and screener, shingle grinder, and contractor's portable RAP crusher and screener shall not exceed those specified in 7 **DE Admin. Code** 1102 and the following:
  - 2.7.1 Particulate Matter (PM) Emissions  
PM emissions shall not exceed 12.76 tons per rolling 12-month period.
  - 2.7.2 Nitrogen Oxide (NO<sub>x</sub>) Emissions  
NO<sub>x</sub> emissions shall not exceed 15.45 tons per rolling 12-month period.

- 2.7.3 Sulfur Oxide (SO<sub>x</sub>) Emissions  
SO<sub>x</sub> emissions shall not exceed 6.27 tons per rolling 12-month period.
- 2.7.4 Carbon Monoxide (CO)  
CO emissions shall not exceed 28.67 tons per rolling 12-month period.
- 2.7.5 Total Hydrocarbon (THC)  
THC emissions shall not exceed 9.90 tons per rolling 12-month period.
- 2.8 The rolling twelve (12) month period emission limits along with the operational limits of this permit are voluntary limitations taken by the owner or operator to reduce the potential to emit nitrogen oxides to below the major source threshold of 7 **DE Admin Code 1130**.
- 2.9 No person shall cause or allow the emission of particulate matter in excess of 0.3 pound per million BTU heat input, maximum two-hour average, from any fuel burning equipment.
- 2.10 The Company shall not discharge or cause the discharge into the atmosphere from the heating, drying, and mixing operations any gases which exhibit twenty percent (20%) opacity, or greater, from the baghouse stack at all times.
- 2.11 No person shall cause or allow the emission of visible air contaminants and/or smoke from the material transfer to the stockpiles, loading/unloading areas, the crusher/screener engine exhaust stack, and the shingle grinder engine exhaust stack, the shade or appearance of which is greater than twenty (20%) percent opacity for an aggregate of more than three (3) minutes in any one (1) hour or more than fifteen (15) minutes in any twenty-four (24) hour period.
- 2.12 At no time shall the emissions of visible air contaminants from the facility exceed the following:
  - 2.12.1 Twenty percent (20%) opacity for an aggregate of more than three minutes in any one hour period, or more than 15 minutes in any 24 hour period from the diesel engines and systems for screening, handling, storing, weighing, loading, and transferring.
  - 2.12.2 Ten percent (10%) opacity from the crushing operation's belt conveyor transfer points, except any stockpiles.
  - 2.12.3 Fifteen percent (15%) opacity from the crusher.
- 2.13 The opacity standards shall apply at all times except during periods of start-up and shutdown.
- 2.14 Odors from this source shall not be detectable beyond the plant property line in sufficient quantities such as to cause a condition of air pollution.

### **3. Operational Limitations**

- 3.1 The owner or operator shall comply with the following operational limits:
  - 3.1.1 Maximum total production rate of Hot Mix Asphalt (HMA) shall not exceed 600,000 tons in any twelve (12) month rolling period.

**Permit: APC-2012/0154-OPERATION (Amendment 10)(NSPS)(MNSR)(SM)**

Allan Myers, Delaware, Inc., 3700 Bay Road, Dover

Asphalt Plant Operation

August 22, 2017

Page 7

- 3.1.2 Maximum total production of HMA while combusting on spec fuel oil shall not exceed 111,000 tons in any twelve (12) month rolling period.
- 3.1.3 Operating hours for the 3700 Bay Road, Dover site shall not exceed 600 hours in any rolling twelve (12) month period for the mobile impact crusher and screener.
- 3.1.4 Combined operating hours for all Allan Myers, Delaware sites shall not exceed 1150 hours in any rolling twelve (12) month period for the mobile impact crusher and screener.
- 3.1.5 Only No. 2 fuel oil shall be used to fire the crusher and screener engines.
- 3.1.6 The impact crusher shall be powered by a 300 HP diesel engine and the screener shall be powered by a 110 HP diesel engine.
- 3.1.7 No. 2 fuel oil consumption for the 3700 Bay Road, Dover site shall not exceed 12,000 gallons in any rolling twelve (12) month period for the mobile impact crusher and screener.
- 3.1.8 Combined No. 2 fuel oil consumption for all Allan Myers, Delaware sites shall not exceed 23,000 gallons in any rolling twelve (12) month period for the mobile impact crusher and screener.
- 3.1.9 The recycled asphalt pavement material process capacity for the impact crusher and screener shall be restricted to 200 tons per hour.
- 3.1.10 Maximum production rate for the hot mix asphalt plant shall not exceed 253 tons/hour with no shingles.
- 3.1.11 The Company shall process only certified, virgin, asbestos-free shingles.
- 3.1.12 The Company shall not use Recycled Asphalt Pavement (RAP) in quantities greater than 45% with no shingles.
- 3.1.13 Maximum production rate for the hot mix asphalt plant shall not exceed 244 tons/hour with up to 6% shingles.
- 3.1.14 The Company shall not use Recycled Asphalt Pavement (RAP) in quantities greater than 25% with shingles.
- 3.1.15 Natural gas and on spec used oil shall be the only fuels fired by the drum dryer.
- 3.1.16 The fuel fired by the asphalt heater shall be limited to natural gas or No. 2 fuel oil.
- 3.1.17 Total operating hours for the shingle grinder shall not exceed 700 hours per rolling twelve (12) month period.
- 3.1.18 Production capacity for the shingle grinder shall be restricted to 100 tons per hour.
- 3.1.19 The shingle grinder shall only be powered by the 540 HP Caterpillar C15 (Tier 3) diesel engine.
- 3.1.20 The Company shall combust only diesel fuel (No. 2 fuel oil) in the shingle grinder

engine.

- 3.1.21 No. 2 fuel oil consumption shall not exceed 14,000 gallons per rolling twelve month period from the shingle grinder.
- 3.1.22 Diesel fuel or biodiesel blend for use in the shingle grinder shall have a sulfur content equal to or less than 0.0015% by weight.
- 3.1.23 The water spray dust suppression system for the shingle grinder and discharge conveyor belt shall be in proper operation when the equipment is operating and shall be regulated to control visible emissions.
- 3.1.24 The combined total of RAP processed by on-site crusher/screener service providers such as Stonetech, LLC shall not exceed 40,000 tons in any rolling 12 month period and the material throughput rate shall not exceed a total of two hundred (200) tons per hour.
- 3.2 At all times, including periods of startup, shutdown, and malfunction, the owner or operator shall, to the extent practicable, maintain and operate the facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating procedures are being used will be based on information available to the Department which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
- 3.3 All structural and mechanical components of the equipment or process covered by this permit shall be maintained in proper operating condition.
- 3.4 If, in the opinion of the Department, the operation of this facility causes a condition of air pollution, the Department may require additional emission control measures.
- 3.5 The Company shall, within three (3) weeks of each annual plant start-up, perform a burner tune-up utilizing portable emission monitoring equipment to assist in obtaining optimum burner performance with respect to air emissions.
- 3.6 The sulfur content of the residual "on-spec used oil" shall not exceed 0.5% by weight. All "on-spec used oil" shall meet the "Delaware Regulations Governing Hazardous Waste," Section 279.11 and 40 CFR Part 761.20(e) as specified below and evidenced by fuel oil supplier certifications that include the following:
  - 3.6.1 Name, address and telephone number of the supplier.
  - 3.6.2 Name, address and telephone number of the Company, and the address where the fuel oil is delivered.
  - 3.6.3 The volume of fuel being sold or delivered, and the date of sale or delivery.
  - 3.6.4 The type of fuel, and the sulfur content of the fuel as a delivered product, and expressed as one of the following:
    - 3.6.4.1 The actual sulfur content in ppm or percent (%) by weight, or



Permit: APC-2012/0154-OPERATION (Amendment 10)(NSPS)(MNSR)(SM)

Allan Myers, Delaware, Inc., 3700 Bay Road, Dover

Asphalt Plant Operation

August 22, 2017

Page 9

3.6.4.2 A statement that certifies the sulfur content of the shipment is equal to or below the applicable limit.

3.6.5 The concentration in parts per million (ppm) of arsenic, cadmium, chromium, lead, total halogens, and PCB.

3.6.6 The viscosity (SUS @ 100 °F).

3.6.7 The flash point (°F).

3.6.8 The pH.

Parameter	Limitation
Total Halogens (ppm)	1,000 maximum
pH	> 2.0 and < 12.5
Flash Point °F	100 minimum
PCB's	below detectable limit
Metals (ppm) As Cd Cr Pb	5 maximum 2 maximum 10 maximum 100 maximum

3.7 All on-spec used oil shall be supplied by International Petroleum Corporation (IPC), owned by US Filter, Mid States Oil Refining Company of Baltimore, Maryland, or Petroleum Recycling Corporation of Southampton, Pennsylvania. Pre-approval of any additional suppliers is required prior to switching to a supplier not on this list.

3.8 On and after July 1, 2016, no person shall offer for sale, sell, deliver, or purchase any fuel having a sulfur content greater than the limit specified in 3.8.1, when such fuel is intended for use in any fuel burning equipment in Delaware, and no person shall use any fuel having a sulfur content greater than the limit specified in 3.8.1 in any fuel burning equipment in Delaware.

3.8.1 For a distillate fuel, 15 ppm by weight.

3.9 The baghouse and inertial separator shall be operating properly whenever the asphaltic concrete plant is in operation. The baghouse shall be operated with a functional pressure drop gauge and at a pressure drop range of two (2) to seven (7) inches of water column across the baghouse inlet and outlet ductwork.

3.10 No person shall cause or allow land clearing, land grading (including grading for roads), excavation, or use of non-paved roads on private property unless methods, such as the application of water or the use of other techniques approved by the Department, are employed to control dust emission.

3.11 No person shall cause or allow visible particulate emissions of any material being transported by a motor vehicle.

- 3.12 No person shall cause or allow stockpiling or other storage of material or transport to or from a storage facility in such a manner as may cause a condition of air pollution.
- 3.13 The roads at the facility shall be paved and swept with Department approved equipment on a regular schedule to minimize generation of dust.
- 3.14 Fugitive emissions shall not be emitted in such quantities as to cause or create a condition of air pollution from material-handling operations, the stockpiling of materials or vehicular traffic entering or leaving the facility. Dust control measures shall be employed on all non-paved access roads and driveways to the facility to minimize fugitive emissions from vehicular traffic entering or leaving. Dust control measures shall include methods such as water tanker/sprinkler trucks, water sprinkler systems, dust retardant sprays, etc.
- 3.15 On-site crusher/screener services provided by contractors such as Stonetech, LLC shall not initiate construction or install equipment at this site prior to submitting an application to the Department pursuant to 7 DE Admin. Code 1102, and receiving approval of such application for this site from the Department.

#### **4. Testing and Monitoring Requirements**

- 4.1 Within ninety (90) days after achieving the maximum production rate at which the facility will be operated, but not later than 180 days after initial startup of such facility, the owner or operator shall conduct performance stack test(s), in accordance with Conditions 4.2 and 4.3 and subsequent performance testing shall be conducted every five (5) years thereafter, on this drum mix dryer and baghouse, while operating on natural gas and on-spec fuel oil, and furnish the Department with a written report of the results of such performance tests in accordance with the following general provisions:

- 4.1.1 One (1) original and two (2) copies of the test protocol shall be submitted a minimum of forty-five (45) days in advance of the tentative test date to the address in Condition 6.3. The tests shall be conducted in accordance with the State of Delaware and Federal requirements.

- 4.1.2 The test protocol shall be approved by the Department prior to initiating any testing. Upon approval of the test protocol, the Company shall schedule the compliance demonstration with the Source Testing Engineer 30 days prior to scheduled date. The Department must observe the test for the results to be considered for acceptance.

- 4.1.3 The final results of the testing shall be submitted to the Department within forty-five (45) days of the test completion. One (1) original and one copy of the test report shall be submitted to the addresses below:

Original to:

Engineering & Compliance  
Attn: Permitting Engineer  
State Street Commons  
100 W. Water Street, Suite 6A  
Dover, DE 19904

One (1) Copy to:

Engineering & Compliance  
Attn: Source Testing Engineer  
715 Grantham Lane  
New Castle, DE 19720

- 4.1.4 The final report of the results must meet the following requirements to be considered valid:

**Permit: APC-2012/0154-OPERATION (Amendment 10)(NSPS)(MNSR)(SM)**

Allan Myers, Delaware, Inc., 3700 Bay Road, Dover

Asphalt Plant Operation

August 22, 2017

Page 11

- 4.1.4.1 The full report shall include the emissions test report (including raw data from the test) as well as a summary of the results and a statement of compliance or non-compliance with permit conditions;
  - 4.1.4.2 Summary of Results and Statement of Compliance or Non-Compliance  
The owner or operator shall supplement the report from the emissions testing firm with a summary of results that includes the following information:
    - 4.1.4.2.1 A statement that the owner or operator has reviewed the report from the emissions testing firm and agrees with the findings.
    - 4.1.4.2.2 Permit number(s) and condition(s) which are the basis for the compliance evaluation.
    - 4.1.4.2.3 Summary of results with respect to each permit condition.
    - 4.1.4.2.4 Statement of compliance or non-compliance with each permit condition.
  - 4.1.5 The results must demonstrate to the Department's satisfaction that the emission unit is operating in compliance with the applicable regulations and conditions of this permit; if the final report of the test results shows non-compliance the owner or operator shall propose corrective action(s). Failure to demonstrate compliance through the test may result in enforcement action.
- 4.2 The Company shall conduct initial performance testing to establish compliance with the particulate matter standard of 0.04 gr/dscf (90 mg/dscm) while operating on natural gas. The Company shall conduct initial performance testing while firing on-spec used oil within 60 days of the first use of on-spec used oil. Additionally, the Company shall conduct performance testing to demonstrate compliance with the CO, THC and NOx emission limitations in Condition 2.1 in accordance with 7 **DE Admin. Code** 1102. The performance testing shall be conducted on representative performance of the hot mix asphalt plant. Representative performance shall be operating the plant at its maximum production rate producing a mix with a RAP percentage of 45% that includes up to 6% virgin shingles. The Company shall make available to the Department a record of these operating parameters.
- 4.3 The Company shall conduct, except as provided in 40CFR60.11(e)(3), opacity observations while operating on "on-spec used oil" and natural gas to establish compliance with the visible emission standard by conducting observations in accordance with 40CFR60 Appendix A Reference Method 9, shall record the opacity of emissions, and shall report to the Department the opacity results (data reduced and not reduced) with proof of current visible observer emission certification along with the results of the performance test required by Condition 4.2.
- 4.4 The Company shall conduct an annual modified Reference Method 9 visible emission test and whenever excess visible emissions are reported on baghouse stack to establish compliance with the visible emissions standard of Condition 2.10 in accordance with 7 **DE Admin. Code** 1120 Section 1.5.3 (i.e., "modified" 40 CFR Part 60 Appendix A Reference Method 9).

- 4.5 The Company shall conduct an annual modified Reference Method 9 visible emission test for the crusher/screener engine exhaust stack and the shingle grinder engine exhaust stack to establish compliance with the visible emissions standard of Condition 2.11 in accordance with 7 **DE Admin. Code** 1120 Section 1.5.3 (i.e., "modified" 40 CFR Part 60 Appendix A Reference Method 9).
- 4.6 Annual Visible Emissions Testing for the RAP crusher to maintain compliance with the standards of Condition 2.12:
  - 4.6.1 Compliance shall be determined by conducting observations in accordance with Reference Method 9 in Appendix A of 40 CFR Part 60, with the following additions:
    - 4.6.1.1 The minimum distance between the observer and the emission source shall be 4.57 meters (15 feet).
    - 4.6.1.2 The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources (e.g., road dust). The required observer position relative to the sun (Method 9, Section 2.1) must be followed.
    - 4.6.1.3 For affected facilities using wet dust suppression for PM<sub>10</sub> control, a visible mist is sometimes generated by the spray. The water mist must not be confused with PM<sub>10</sub> emissions and is not to be considered a visible emission. When a water mist of this nature is present, the observation of emissions is to be made at a point in the plume where the mist is no longer visible.
  - 4.6.2 When determining compliance with the fugitive emissions standard for transfer points, the duration of the Method 9 observations may be reduced from 3 hours (thirty 6-minute averages) to 1 hour (ten 6-minute averages) only if the following conditions apply:
    - 4.6.2.1 There are no individual readings greater than ten percent (10%) opacity; and
    - 4.6.2.2 There are no more than three (3) readings of ten percent (10%) for the 1-hour period.
  - 4.6.3 When determining compliance with the fugitive emissions standard for the crusher, the duration of the Method 9 observations may be reduced from three (3) hours (thirty 6-minute averages) to one (1) hour (ten 6-minute averages) only if the following conditions apply:
    - 4.6.3.1 There are no individual readings greater than fifteen percent (15%) opacity.
    - 4.6.3.2 There are no more than three (3) readings of fifteen percent (15%) for the 1-hour period.
- 4.7 The following applies to visible emission tests for the recycled asphalt pavement material transfer to the stockpile and loading/unloading:

**Permit: APC-2012/0154-OPERATION (Amendment 10)(NSPS)(MNSR)(SM)**

Allan Myers, Delaware, Inc., 3700 Bay Road, Dover

Asphalt Plant Operation

August 22, 2017

Page 13

- 4.7.1 The Company shall conduct a daily survey during daylight hours when the equipment is in operation to detect the presence or absence of visible emissions according to the following procedure:
  - 4.7.1.1 "Survey of emission point for the presence or absence of visible emissions" shall be defined as a minimum period of five (5) consecutive minutes. The survey of the emission units concurrently is acceptable provided all emission points are easily observable from the observer's position.
  - 4.7.1.2 The detection of the presence or absence of visible emissions shall be in accordance with the procedures of EPA Reference Method 22 (40 CFR 60, Appendix A) paragraphs 4 and 5.
  - 4.7.1.3 If visible emissions are observed from an emission point for three (3) consecutive minutes during a survey, the observation shall be stopped and corrective actions per Condition 4.7.2 shall be taken.
  - 4.7.1.4 The procedure does not require that the opacity of the emissions be determined. Since this procedure requires only the determination of whether a visible emission occurs and does not require the determination of opacity levels, observer certification according to the procedures of EPA Reference Method 9 (40 CFR 60, Appendix A) are not required. However, it is necessary that the observer is educated on the general procedures for determining the presence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects on visibility of emissions caused by background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor).
- 4.7.2 If visible emissions are observed, the Company must identify and correct the cause of the excess emissions within forty-eight (48) hours. If the problem is not corrected, the Company must call the Department.
- 4.8 The Department may conduct or contract a performance test whenever it concludes that such test is necessary to determine compliance.
- 4.9 The Department reserves the right to require the Company to perform stack emissions tests using methods approved in advance by the Department in order to demonstrate compliance with emission limits and visible emissions.
- 4.10 Sulfur concentrations of residual fuels and distillate fuels shall be determined by the following method:
  - 4.10.1 The standard ASTM method D2622-10 "Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-Ray Fluorescence Spectrometry," or
  - 4.10.2 Any alternative method specified in Title 40, CFR Part 80, Section 580 (July 2012 edition), or
  - 4.10.3 Any alternative method approved by the Department and EPA.

- 4.11 As an alternative to 4.10 for distillate fuels, the owner or operator may have the fuel in the associated storage tank certified by a third party laboratory after each shipment of fuel. This certification shall identify the percentage of sulfur (by dry weight basis) and the method used to determine the sulfur content.

**5. Record Keeping Requirements**

- 5.1 The owner or operator shall maintain all records necessary for determining compliance with this permit in a readily accessible location for five (5) years and shall make these records available to the Department upon written or verbal request.
- 5.2 The following information shall be recorded, initialed and maintained in a logbook:
- 5.2.1 The percentage of RAP by weight based on daily tonnage.
  - 5.2.2 The percentage of virgin waste asphalt shingles by weight based on daily tonnage.
  - 5.2.3 Documentation for each shipment of shingles that includes the source of the shingles and certification that only virgin, asbestos-free shingles are being used.
  - 5.2.4 The total amount of HMA produced in tons on an hourly (based on daily tonnage), a daily, a monthly, and a rolling twelve (12) month basis.
  - 5.2.5 Each day, the type of fuel (on-spec used oil or natural gas) used to fire the dryer burner.
  - 5.2.6 Monthly, the amount of fuel used.
  - 5.2.7 Daily pressure drop readings as measured across the inlet and outlet ductwork of the baghouse whenever the asphalt plant is in operation.
  - 5.2.8 Dates and descriptions of inspections and maintenance performed on the baghouse.
  - 5.2.9 The occurrence and duration of any start-up, shutdown, or malfunction in the operation of the hot mix asphalt plant.
  - 5.2.10 The occurrence and duration of any malfunction of the baghouse.
  - 5.2.11 Each year, the annual plant start-up date and the date of performance of the annual burner tune-up.
  - 5.2.12 With each delivery of No. 2 fuel oil into the storage tanks, records of the fuel supplier certification for each delivery that contain the following information:
    - 5.2.12.1 Name, address and telephone number of the supplier.
    - 5.2.12.2 Name, address and telephone number of the Company, and the address where the fuel oil is delivered.
    - 5.2.12.3 The volume of fuel being sold or delivered, and the date of sale or delivery.
    - 5.2.12.4 The type of fuel, and the sulfur content of the fuel as a delivered

**Permit: APC-2012/0154-OPERATION (Amendment 10)(NSPS)(MNSR)(SM)**

Allan Myers, Delaware, Inc., 3700 Bay Road, Dover

Asphalt Plant Operation

August 22, 2017

Page 15

product, and expressed as one of the following:

- 5.2.12.4.1 The actual sulfur content in ppm or percent (%) by weight, or
  - 5.2.12.4.2 A statement that certifies the sulfur content of the shipment is equal to or below the applicable limit.
- 5.2.13 As an alternative to Condition 5.2.12, the owner or operator may have the distillate fuel in the associated storage tank certified by a third party laboratory after each shipment of fuel. This certification shall identify the percentage of sulfur (by dry weight basis) and the method used to determine the sulfur content.
- 5.2.14 Daily compliance inspection of the plant pursuant to Conditions 2.12, and 3.10 through 3.14.
- 5.2.15 The Company shall submit to the Department and maintain a copy of the fugitive dust control measure plan on-site.
- 5.2.16 Daily visible emissions check on baghouse stack exhaust and compliance with Condition 4.4 whenever excess visible emissions are reported.
- 5.2.17 Tons of RAP processed by on-site crusher/screener contracted services on a daily, monthly, and twelve (12) month rolling basis.
- 5.2.18 The dates when on-site crusher/screener contracted services are installed and removed from the 3700 Bay Road location.
- 5.3 The following information pertaining to the RAP crusher shall be recorded, initialed and maintained in a log book each day:
  - 5.3.1 The total operating hours.
  - 5.3.2 Production capacity (TPH) of RAP material processed.
  - 5.3.3 Visible emissions and corrective actions.
  - 5.3.4 A statement that proper fugitive dust control measures are properly employed.
- 5.4 The following information pertaining to the RAP crusher and screener for the 3700 Bay Road, Dover site shall be recorded, initialed, and maintained in a log each month:
  - 5.4.1 Monthly and rolling twelve (12) month total operating hours.
  - 5.4.2 Monthly and rolling twelve (12) month total No. 2 fuel oil consumption.
- 5.5 The following information pertaining to the RAP crusher and screener for all Allan Myers, Delaware sites shall be recorded, initialed, and maintained in a log each month:
  - 5.5.1 Monthly and rolling twelve (12) month total operating hours.
  - 5.5.2 Monthly and rolling twelve (12) month total No. 2 fuel oil consumption.

- 5.6 The following information pertaining to the shingle grinder shall be recorded, initialed and maintained in a log each day:
  - 5.6.1 Statements that proper dust control measures are properly employed.
  - 5.6.2 Compliance with Conditions 2.11, 3.1.19, and 3.1.20.
  - 5.6.3 Total operating hours.
  - 5.6.4 Production capacity (TPH).
  - 5.6.5 Visible emissions and corrective actions.
  - 5.6.6 Statement that the water spray dust suppression system is in operation.
- 5.7 The following information pertaining to the shingle grinder shall be recorded, initialed, and maintained in a log each month:
  - 5.7.1 Monthly and rolling twelve month total No. 2 fuel oil consumption.
  - 5.7.2 Monthly and rolling twelve month total hours.
- 5.8 The following information shall be maintained in a file:
  - 5.8.1 An as-built piping drawing showing the fuel supply line(s) to the dryer burner from its fuel source(s).
  - 5.8.2 The manufacturer's recommended inspection and maintenance schedule for the baghouse.
  - 5.8.3 Performance testing measurements, stack testing measurements conducted for compliance demonstrations, stack testing measurements conducted for Department determination purposes, and process and control equipment operating parameters sustained during stack testing.
  - 5.8.4 All opacity observations conducted for compliance demonstration and observer certification in compliance with Conditions 4.3, 4.4, and 4.5.
  - 5.8.5 The dimensions of and an analysis showing the capacity of each storage tank over its lifetime.
  - 5.8.6 Fuel supplier certification of the parameters specified in Condition 3.6 for each delivery of on-spec used oil.
  - 5.8.7 Documentation showing that the annual tune-up of the burner was conducted in accordance with Condition 3.5.
  - 5.8.8 Documentation for each shipment of shingles that includes the source of the shingles and certification that only virgin, asbestos-free shingles are being used.
  - 5.8.9 A copy of the operating permit for on-site crusher/screener contracted services.
- 5.9 A maintenance/inspection log shall be maintained detailing all routine and non-routine maintenance performed, including air pollution control equipment.



screeners and shingle grinders and VOC for Stonetech, LLC mobile RAP crusher and screener to be included with facility-wide THC.)

5.10.1 Particulate Matter (PM<sub>10</sub>) Emissions (shingle grinder only).

5.10.2 Particulate Matter (PM) Emissions.

5.10.3 Nitrogen Oxide (NO<sub>x</sub>) Emissions.

5.10.4 Sulfur Oxide (SO<sub>x</sub>) Emissions.

5.10.5 Carbon Monoxide (CO) Emissions.

5.10.6 Total Organic Compound (TOC) Emissions (impact crusher/screener and shingle grinder only).

5.10.7 Volatile Organic Compound (VOC) Emissions (Stonetech, LLC mobile RAP crusher and screener only).

5.10.8 Total Hydrocarbon (THC) Emissions.

## **6. Reporting Requirements**

6.1 Emissions in excess of any permit condition or emissions which create a condition of air pollution shall be reported to the Department immediately upon discovery by calling the Environmental Emergency Notification and Complaint number, (800) 662-8802.

6.2 In addition to complying with Condition 6.1 of this permit, any reporting required by 7 DE Admin. Code 1203 "**Reporting of Discharge of a Pollutant or an Air Contaminant**," and any other reporting requirements mandated by the State of Delaware, the owner or operator shall for each occurrence of excess emissions, within thirty (30) calendar days of becoming aware of such occurrence, supply the Department in writing with the following information:

6.2.1 The name and location of the facility.

6.2.2 The subject source(s) that caused the excess emissions.

6.2.3 The time and date of the first observation of the excess emissions.

6.2.4 The cause and expected duration of the excess emissions.

6.2.5 For sources subject to numerical emission limitations, the estimated rate of emissions (expressed in the units of the applicable emission limitation) and the operating data and calculations used in determining the magnitude of the excess emissions.

6.2.6 The proposed corrective actions and schedule to correct the conditions causing the excess emissions.

6.3 The owner or operator shall submit to the Department and EPA the following information about any replacement facilities or any new equipment:

**Permit: APC-2012/0154-OPERATION (Amendment 10)(NSPS)(MNSR)(SM)**

Allan Myers, Delaware, Inc., 3700 Bay Road, Dover

Asphalt Plant Operation

August 22, 2017

Page 18

6.3.1 For an impact crusher operation:

6.3.1.1 The rated capacity in tons per hour of the existing facility being replaced.

6.3.1.2 The rated capacity in tons per hour of the replacement equipment.

6.3.2 For a screening operation:

6.3.2.1 The total surface area of the top screen of the existing screening operation being replaced.

6.3.2.2 The total surface area of the top screen of the replacement screening operation.

6.3.3 For a shingle grinder:

6.3.3.1 The rated capacity in tons per hour of the existing facility being replaced.

6.3.3.2 The rated capacity in tons per hour of the replacement equipment.

6.3.4 For a conveyor belt:

6.3.4.1 The width of the existing belt being replaced.

6.3.4.2 The width of the replacement conveyor belt

6.4 The Company shall furnish the Department and EPA written notification as follows:

6.4.1 A notification of any physical or operational change to the shingle grinder which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subsection. This notice shall be postmarked sixty (60) days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date change. The Department may request additional relevant information subsequent to this notice.

6.5 Each document submitted to the Department/EPA pursuant to this permit shall be sent to the following addresses:

State of Delaware- DNREC Division of Air Quality State Street Commons 100 W. Water Street, Suite 6A Dover, DE 19904 Attn: Director	NSPS Coordinator Air Enforcement Branch (3AP20) United States Environmental Protection Agency 1650 Arch Street Philadelphia, PA 19103-2029
No. of Originals: <b>1</b> & No. of Copies: <b>1</b>	No. of Originals: <b>1</b> & No. of Copies: <b>1</b>

6.6 The Company shall provide written notification to the Department at least 5 calendar days prior to each move of the impact crusher/screener from one approved site to another approved site.

Permit: APC-2012/0154-OPERATION (Amendment 10)(NSPS)(MNSR)(SM)

Allan Myers, Delaware, Inc., 3700 Bay Road, Dover

Asphalt Plant Operation

August 22, 2017

Page 19

**7. Administrative Conditions**

- 7.1 This Permit supersedes Permit: APC-2012/0154-OPERATION (Amendment 9)(NSPS)(MNSR)(SM) dated May 26, 2017.
- 7.2 This permit shall be made available on the premises.
- 7.3 Failure to comply with the provisions of this permit may be grounds for suspension or revocation.

Sincerely,



Angela D. Marconi, P.E., BCEE  
Program Manager  
Engineering & Compliance Branch

ADM:JLF:MAS  
F:\EngAndCompliance\MAS\mas17088.doc

pc: Dover File  
Melanie Smith

## ATTACHMENT 7

### ALLAN MYERS DE, INC. – NPDES STORMWATER DISCHARGE PERMIT



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES &  
ENVIRONMENTAL CONTROL  
DIVISION OF WATER RESOURCES  
89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

SURFACE WATER DISCHARGES SECTION

TELEPHONE: (302) 739-9946  
FACSIMILE: (302) 739-8369

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
GENERAL STORM WATER PERMIT PROGRAM**

Mr. David Schnackenberg  
ICM of Delaware, Inc.  
638 Lancaster Avenue  
Malvern, PA 19355

**RE: NPDES Storm Water Permit Coverage – Bay Road, Dover**

Dear Mr. Schnackenberg:

This letter acknowledges receipt and approval of the completed Notice of Intent (NOI) form submitted for NPDES Storm Water Permit Coverage under the State of Delaware *Regulations Governing Storm Water Discharges Associated with Industrial Activities, Part 1, Baseline General Permit*. Permit coverage for the facility began on March 17, 2009 and expires on March 16, 2014.

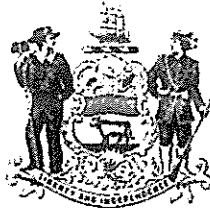
In compliance with the provisions of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251 et seq.), and pursuant to the provisions of 7 Del. C. 6003, **ICM of Delaware, Inc. – Bay Road, Dover** is authorized to discharge storm water to a surface waterbody of the State.

All permit conditions are set forth in the State of Delaware *Regulations Governing Storm Water Discharges Associated with Industrial Activities, Part 1, Baseline General Permit*. Specifically, please refer to Sections 9.1.4 (Monitoring) and 9.1.5 (Storm Water Plan) of the Regulations.

Should you have any questions or require further assistance, please contact Steve Mann of my staff at (302) 739-9946.

R. Peder Hansen, P.E.  
Program Manager  
Surface Water Discharges Section  
Division of Water Resources, DNREC  
F:\NPDES\SMM\smm09073.doc

5/13/09  
Date Signed



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROL

**DIVISION OF WATER**

89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

SURFACE WATER  
DISCHARGES SECTION

PHONE: (302) 739-9946  
FAX: (302) 739-8369

**CONTINUED AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL  
POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
INDUSTRIAL STORM WATER GENERAL PERMIT PROGRAM**

January 15, 2014

ICM of Delaware Inc., Dover  
Jay Miller  
638 Lancaster Avenue  
Malvern, PA 19355

**RE: Continued Authorization to Discharge Under the National Pollutant Discharge Elimination System (NPDES) Storm Water General Permit Program at ICM of Delaware Inc., Dover**

Dear Mr. Miller:

The Department of Natural Resources and Environmental Control (DNREC) has received your request for continued coverage under the NPDES Storm Water General Permit Program for storm water discharges from the facility located at 3700 So. Bay Rd, Dover, DE 19903. This letter serves as an extension of authorization to discharge storm water from the above-referenced facility in compliance with 7 Del. Admin. C. §7201 of the State of Delaware "Regulations Governing Storm Water Discharges Associated with Industrial Activities", to a surface water body of the state.

Continuation of permit coverage began on 1/15/2014 and will be in effect until such time that a new NPDES Industrial Storm Water General Permit is issued within the State of Delaware. Upon issuance of a new Industrial Storm Water General Permit, you will be required to submit a new Notice of Intent (NOI) form to the Department in order to continue permit coverage. The schedule for this NOI submission will be outlined in the new Industrial Storm Water General Permit once issued and communicated to you. Under no circumstances shall this authorization extend beyond five years.

Any changes in facility operations or contact information will require the Storm Water Plan (SWP) for this facility to be amended. A signed copy of the SWP must be maintained at the facility at all times. NOI forms and other resources can be found online at:

<http://www.wr.dnrec.delaware.gov/Information/SWDInfo/Pages/SWDSSStormWater.aspx>.

Please maintain this approval on file at the facility at all times. If you have any questions or require further assistance, please contact me or Bill Tanner at (302) 739-9946 or by e-mail at [Jennifer.Roushey@state.de.us](mailto:Jennifer.Roushey@state.de.us) or [Bill.Tanner@state.de.us](mailto:Bill.Tanner@state.de.us).

Sincerely,

Jennifer S. Roushey  
Program Manager  
Surface Water Discharges Section

*Delaware's good nature depends on you!*

ATTACHMENT 8

BACKGROUND STATEMENT



DELAWARE DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL ("DNREC")

ENVIRONMENTAL PERMIT APPLICATION  
BACKGROUND STATEMENT

Pursuant to 7 Del. C. Chapter 79

FILING STATUS:

This Background Statement is being filed with DNREC because:

- ☐ 1. It is an initial application for a new permit (or permits) and the applicant or applicant company has not held a permit issued by DNREC for a period of 5 or more years [See 7 Del. C. § 7902(a) and (b)];
- ☐ 2. It is required on an annual basis because the applicant or applicant company has been designated a chronic violator pursuant to 7 Del. C. § 7904 [See 7 Del. C. § 7902(a)(7) and (b)(2)]; or
- ☐ 3. It is required on an annual basis as the applicant or applicant company has been found guilty, pled guilty or no contest to any crime involving violation of environmental standards which resulted in serious physical injury or serious harm to the environment as defined in 7 Del. C. § 7902(c) [See 7 Del. C. § 7902(a)(7) and (b)(2)].
- ☒ 4. *Permit renewal application*

APPLICANT OR APPLICANT COMPANY'S NAME OR COMPANY'S NAME FILING STATEMENT	<i>Allen Myers DE, Inc.</i>
DATE OF APPLICATION OR DATE OF STATEMENT	
PERMIT(S) BEING APPLIED FOR OR STATEMENT FOR FILING STATUTES 2 OR 3	<input checked="" type="checkbox"/> Permit Type(s) <i>BUD #38/090118B</i>  <input type="checkbox"/> Statement for filing Statutes 2 or 3—If filing under these statuses, attach a statement of the date of designation as Chronic Violator or the date of Conviction/Plea.
OTHER DNREC PERMITS HELD	<input type="checkbox"/> N/A – No other permits held with DNREC  <input checked="" type="checkbox"/> List of all DNREC permits currently held with dates of issuance and expiration attached. <i>Permit copies attached</i>



## ENVIRONMENTAL PERMIT APPLICATION BACKGROUND STATEMENT

**Please note:** Companies filing statements pursuant to Chapter 79 have the right to identify information to be afforded confidential status pursuant to 7 Del. C. § 7903(b) and the requirements set forth in Section 6, "Requests for Confidentiality" of the DNREC *Freedom of Information Act Regulation*.

PROVIDING ALL OF THE INFORMATION REQUESTED IN THIS FORM SATISFIES THE REQUIREMENTS OF 7 DEL. C. CHAPTER 79 ("ENVIRONMENTAL PERMIT APPLICATION BACKGROUND STATEMENT") UNLESS THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL ("DNREC") OR THE DELAWARE DEPARTMENT OF JUSTICE DETERMINES THAT ADDITIONAL SUBMISSIONS ARE NECESSARY. FAILURE TO PROVIDE THE INFORMATION REQUESTED OR PROVIDING ERRONEOUS INFORMATION IS GROUNDS FOR DENYING OR REVOKING AN ENVIRONMENTAL PERMIT/APPROVAL/LICENSE, AND FOR CIVIL AND/OR CRIMINAL PENALTIES.

A. (Authority – 7 Del. C. § 7902(a)(1&2) & § 7905) Attach a complete list (full names) of all current members of the applicant company's board of directors, all current corporate officers, all persons owning more than 20% of the applicant's stock or other resources, all subsidiary/affiliated companies with type of business performed, street addresses, all parent companies with addresses, all companies with which the applicant's company shares two or more members of the board of directors, and the name(s) of the person(s) serving as the applicant's local chief operating officer(s) with respect to each facility covered by the permit in question or for the statement required for filing Statutes 2 or 3. [Note: For companies that do not have a *facility* located in Delaware, no listing for the local chief operating officer(s) is required].

- ☒ Information attached
- ☐ Information attached, except for local chief operating officer as there is no facility located in the State of Delaware.

B. (Authority – 7 Del. C. § 7905) Please check one of the following selections below, showing type of ownership for the applicant or applicant/statement company:

- ☐ Proprietorship List the state, county, book record and page number where the certificate is found (Attach hereto).
- ☐ Partnership List the state, county, book record and page number where the certificate is found (Attach hereto).
- ☒ Corporation (LLCs included) List the city, state, date of incorporation, corporation file number, current corporate standing, registered agent, and address of the registered agent (Attach hereto).
- ☐ Municipality
- ☐ Public Institution/  
Government Agency
- ☐ Other \_\_\_\_\_

C. (Authority - 7 Del. C. § 7902(a)(3) & § 7905) Have any of the following been issued to or agreed to by the applicant or applicant/statement company, any employee, person, entity, or subsidiary/affiliated company, specified in response to Item A, for violation of any environmental statute, regulation, permit, license, approval, or order, regardless of the state in which it occurred, during the five years prior to the date of this application/statement

OFFENSE	YES	NO
Notice of Violation(s)	X	
Administrative Order(s)	X	
Administrative Penalty(ies)		X
Civil Action(s)	X	
Civil Penalty(ies)		X
Civil and/or Administrative Settlement Agreement(s)		X
Permit/License/Approval Revocation		X
Arrest(s)		X
Conviction(s)		X
Criminal Penalty(ies)		X
Criminal Plea Bargain		X

**D. (Authority - 7 Del. C. § 7902(a)(3), (a)(4) & § 7905)** If you answered "yes" to any of the actions listed in Item C above for the applicant or applicant company or any other person identified in Item A, attach a description of the incidents or events leading to the issuance of each action, regardless of the state in which it occurred, for the 5 years prior to the date of the statement, and the disposition of each action, what state the action/offense occurred in, and any actions that have been taken to correct the violations that led to such enforcement action.

☐ N/A

☒ Information attached

**E. (Authority - 7 Del. C. § 7902(a)(5) & § 7905)** Attach a description of any felony or other criminal conviction for a crime involving harm to the environment or violation of environmental standards of any person or entity identified in Item A above that resulted in a fine greater than \$1,000 or a sentence longer than 7 days, regardless of whether such fine or sentence was suspended.

☒ N/A

☐ Description attached

**F. (Authority - 7 Del. C. § 7902(a)(6) & § 7905)** Attach copies of any and all settlements of environmental claims involving the applicant, associated with actions identified in response to Item D above, whether or not such settlements were based on agreements where the applicant did not admit liability for the action.

☒ N/A

☐ Information attached

### Items for Filing Statutes 2 or 3 Only

G. (Authority - 7 Del. C. § 7902(a)(7) and § 7905) If the applicant or applicant/statement company has been found guilty, pled guilty or no contest, to any crime involving violation of environmental standards which resulted in serious physical injury or serious harm to the environment attach a summary of the events involved and a copy of the disposition of the action (See 7 Del. C. § 7902(c) for definitions of "serious physical injury" or "serious harm to the environment" before answering this question.)

☒ N/A

☐ Yes – Information Attached.

H. (Authority - 7 Del. C. § 7902(a)(8)) – If the applicant or applicant/statement company has been designated a chronic violator under 7 Del. C. § 7904, a detailed written report from an independent inspector who has inspected the applicant's premises for the purpose of detecting potential safety and environmental hazards to employees and the surrounding community. The Secretary may waive the duty to submit a detailed written report upon a showing of good cause by the applicant. A showing by the applicant that the acts which caused it to be designated as a chronic violator did not jeopardize public health shall constitute "good cause" under this paragraph.

I. (Authority - 7 Del. C. § 7902(a)(7)) – If the applicant or applicant/statement company has been designated a chronic violation under § 7904 of this Title, OR has been found guilty or pled no contest to any crime involving violation of environmental standards which resulted in serious physical injury or serious harm to the environment, a statement made under oath by the applicant or applicant/statement company's local chief operating officer with respect to the facilities covered by the permit, stating that: (a) disclosures made by the applicant/reporting company under federal and state environmental statutes and regulations during the preceding calendar year have been, to the chief operating officer's knowledge, complete and accurate, and (b) that the facility has implemented policies, programs, procedures, standards or systems reasonably designated, in light of the size, scope, and nature of facility operations to detect and promptly correct any noncompliance with state environmental statutes and regulations. The statement filed pursuant to this paragraph shall include an acknowledgement by the affiant that intentionally false statements submitted in compliance with this paragraph constitute criminal perjury as defined at 11 Del. C. §§1221-1222.

STATE OF DELAWARE – DEPT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL  
ENVIRONMENTAL PERMIT BACKGROUND STATEMENT

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ THE PRECEEDING SUBMISSION, HAVE PROVIDED ALL OF THE INFORMATION REQUESTED, AND THAT ALL OF THE INFORMATION PROVIDED IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

David Schnoekberg  
SIGNATURE—APPLICANT OR  
OFFICER OF APPLICANT / STATEMENT COMPANY

DATE: 3-1-2018

NAME:

David Schnoekberg

TITLE:

Environmental Manager

COMPANY

NAME:

Allan Myers DE, Inc.

ADDRESS:

638 Lancaster Avenue  
Malvern, PA 19355

TELEPHONE:

610-222-3182

FAX NUMBER:

REGISTERED

AGENT NAME:

ADDRESS:

TELEPHONE:

FAX NUMBER:

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 1 DAY OF

March, 2018.

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Roxanne Louise Wax, Notary Public  
East Whiteland Twp., Chester County  
My Commission Expires May 13, 2021  
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

jmb:20-24.doc/Rev. 8/2012

Roxanne Louise Wax  
NOTARY PUBLIC SIGNATURE (SEAL)

Roxanne Louise Wax  
PRINTED NAME OF NOTARY PUBLIC

PA / Chester  
STATE / COUNTY

MY COMMISSION EXPIRES ON: May 13, 2021

**ALLAN MYERS DE, INC.**

**Written Consent of the Board of Directors  
to Action Taken Without a Meeting**

The undersigned, being the sole member of the Board of Directors of Allan Myers DE, Inc., a Delaware Corporation, (the "Corporation"), does hereby consent, in writing, to the adoption of the following resolutions, without the necessity of convening a meeting pursuant to Section 141 (f) of the Delaware General Corporate Law.

WHEREAS, certain permits, authorizations and consents are required from time to time to operate the facilities that are managed by the Corporation in accordance with applicable laws and regulations (collectively, "Authorizations").

WHEREAS, in order to secure and maintain such Authorizations, local, state and federal agencies with jurisdiction over the facilities of the Corporation require the Corporation to issue periodic certifications, reports and other documents which are legally binding on the Corporation.

WHEREAS, the Board of Directors has determined that it is in the best interests of the Corporation for Mark Carroll, Curtis Hall and David Schnackenberg to sign such periodic certifications, reports and other documents which are legally binding on the Corporation.

NOW THEREFORE, BE IT RESOLVED THAT:

1. Mark Carroll, Curtis Hall and David Schnackenberg be, and each of them hereby is, authorized, empowered and directed, in the name and on behalf of the Corporation, to execute and deliver all periodic certifications, reports and other documents which are legally binding on the Corporation, to the extent any of the foregoing are required by local, state and/or federal agencies in order for the Corporation to maintain any of its Authorizations.
2. Any and all actions taken by the Corporation prior to the adoption of these resolutions that are within the authority conferred in the foregoing resolutions be, and the same hereby are, ratified, confirmed and approved in all respects.

Witness the due execution hereof this 9<sup>th</sup> day of January 2018.

By:   
A. Ross Myers, Sole Director

**BACKGROUND STATEMENT**  
Part D – List of Incidents

Date	Company	Offense	Agency Action	Disposition
2-7-17	Compass Quarries, Inc. (Quarry)	Fugitive emissions	PADEP Consent Assessment	Corrected
11-7-16	Allan Myers, L.P. (Shop)	Liquid in dispenser sumps	PADEP NOV	Liquid in dispenser sump removed and the sump was sealed to prevent water infiltration
4-15-16	Allan Myers, L.P. (Quarry)	Failure to set up a seismograph at the compliance location	PADEP NOV	Corrected
3-29-16	Allan Myers Materials PA, Inc. (Quarry)	Fugitive emissions beyond property line	PADEP NOV	Corrected
12-10-15	Allan Myers, L.P. (Quarry)	Failure to record monitoring of odors	PADEP NOV	Corrected
9-17-15	Compass Quarries, Inc. (Quarry)	Operated portable crusher without permit when primary crusher failed	PADEP Consent Assessment	Obtained permit; paid fine
11-3-15	Allan Myers, L.P. (Asphalt Plant)	Exceeded particulate matter emissions during stack test of baghouse	PADEP NOV	Replaced all bags within the baghouse, retested, in compliance
2-11-14	Allan Myers, L.P. (Asphalt Plant)	Stored shingles beyond permit limit	PADEP Consent Agreement	Shingles were used or removed in accordance with the Consent Agreement
10-31-13	Allan Myers DE, Inc.	Operated asphalt plant with RAP % higher than permitted	DNREC NOV	Reduced RAP until stack test complete, in compliance
8-9-12	Allan Myers, L.P. (Asphalt Plant)	Failure to record effluent gas temperature from stack	PADEP NOV	Began recording temperature, in compliance